

No. 11928

United States
Circuit Court of Appeals
For the Ninth Circuit.

TIGHE E. WOODS, Housing Expediter, Office of
the Housing Expediter,

Appellant,

vs.

PEARL ROSE,

Appellee.

Transcript of the Record

Upon Appeal from the District Court of the United States
for the Southern District of California
Central Division

FILED

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PAUL P. O'BRIEN,

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS

For Appellant:

ABE I. LEVY,
STEPHEN D. MONAHAN,

1206 Santee St.,
Los Angeles 15, Calif.

For Appellee:

HIRAM T. KELLOGG,
606 S. Hill St.,
Los Angeles 14, Calif. [1*]

*Page numbering appearing at foot of page of original certified Transcript of Record.

In the District Court of the United States,
Southern District of California, Central
Division

No. 6827-PH

PHILIP B. FLEMING, Administrator, Office of
Temporary Controls, Office of Price Admin-
istration,

Plaintiff,

vs.

PEARL ROSE, DOE I and DOE II,

Defendants.

COMPLAINT FOR TREBLE DAMAGES AND INJUNCTION

For a First Cause of Action

I.

Plaintiff, as Administrator of the Office of Temporary Controls, Office of Price Administration, brings this action for injunction pursuant to Section 205(a) to enforce compliance with Section 4 and for treble damages on behalf of the United States of America pursuant to Section 205(e) of the Emergency Price Control Act of 1942, as amended, USCA Title 50, App. Sec. 901 et seq., hereinafter referred to as "The Act," and the Rent Regulations (10 Fed. Reg. 13528) issued by the Administrator pursuant to Section 2 of the Act.

II.

Jurisdiction of this action is conferred upon this Court by Section 205(c) and 205(e) of the Act. [2]

III. .

At all times mentioned herein, there has been and now is in effect a Rent Regulation for Housing issued pursuant to Section 2(b) of the Act for the Los Angeles Defense Rental Area.

IV.

That the defendants, Doe I and Doe II, are the fictitious names of the defendants, whose true names are to this plaintiff unknown, and plaintiff asks that when these true names are discovered this complaint may be amended by inserting such true names in the place and stead of such fictitious names. Wherever the word "defendant" is used in this complaint, it shall include all of the defendants individually and collectively herein sued.

V.

That the defendant is a resident of the City of Los Angeles, County of Los Angeles, State of California, in the Southern District of California, in the Central Division thereof, and within the jurisdiction of this Court.

VI.

During all times herein mentioned defendant has received rent for the use and occupancy of those certain housing accommodations, subject to said Housing Regulation within said Defense Rental Area, known and described as 2968½ Francis Avenue, 2970 Francis Avenue and 2972 Francis Avenue, City of Los Angeles, County of Los Angeles, State of California.

VII.

That on and since March 3, 1946, exclusive of the period July 1 to July 25, 1946, inclusive, the defendant has received for the use and occupancy of the housing accommodations hereinbefore described, rents in excess of the maximum rents permitted under the said Rent Regulations and Orders of the Rent Director; that the number and names of tenants and the amount of overcharges are facts peculiarly within the knowledge of said defendant; that plaintiff is unable at this time, to allege with certainty the [3] Amount of rents charged in excess of said maximum rent but that plaintiff upon ascertaining the amount or amounts thereof, and the names of said tenants, will ask leave to amend this complaint and set forth the amount or amounts of said overcharges and the tenants from whom said overcharges were received.

VIII.

That every tenant overcharged as above alleged has failed to institute an action pursuant to Section 205(e) of said Act, and more than thirty days have elapsed since the occurrence of the violations.

For a Second Cause of Action

I.

Plaintiff re-alleges each and every allegation contained in Paragraphs I, II, III, IV, and V of Plaintiff's first cause of action as though fully set forth herein.

II.

Defendant is now and has been engaged in acts and practices which constitute violations of Section 4(a) of the Emergency Price Control Act of 1942, as amended, (USCA, Title 50, App. 901-946 et seq.), hereinafter called "The Act," in that defendant has violated and is now still violating the provisions of the Rent Regulation for Housing (10 F.R. 13528) as amended, issued in accordance with the provisions of Section 2(b) of the Act; and therefore pursuant to Section 205(a) of the Act, the Administrator brings this action to enforce compliance with said regulation. Jurisdiction of this action is conferred upon the Court by Section 205(c) of the Act.

III.

Said Rent Regulation for Housing has been in effect in the Los Angeles Defense-Rental Area at all times herein mentioned. Defendant is the landlord and operator of certain accommodations subject to said Regulation for housing accommodations, within [4] said Area, including housing accommodations at 2970 Francis Avenue, 2972 Francis Avenue, and the apartment situated on Francis Avenue in the rear of Apartment number 2972, in the City of Los Angeles, County of Los Angeles, State of California.

IV.

Said Rent Regulation for Housing provides, with certain exceptions not herein material, that on or before December 16, 1942, or within thirty days

after the housing accommodations were first rented, whichever is later, each landlord of such housing accommodation subject to said Regulation must file with the Administrator a written statement on a form provided therefor, containing such information as the Administrator requires, to be known as a "Registration Statement." Pursuant to this provision the Administrator has provided a form of Registration Statement and has required that such statement correctly set forth all established maximum rents for all housing accommodations subject to said Regulation.

V.

Defendant, after December 16, 1942, has rented and offered for rent certain housing accommodations subject to said Regulation as set forth above and has not filed Registration Statements correctly setting forth all maximum rents established for said housing accommodations, namely 2970 Francis Avenue, 2972 Francis Avenue, and the apartment situated on Francis Avenue in the rear of apartment number 2972, in the City of Los Angeles, County of Los Angeles, State of California.

For a Third Cause of Action

I.

Plaintiff re-alleges and incorporates herein Paragraphs III, IV, V, VI, and VII of his first cause of action, and Paragraph II of the second cause of action. [5]

Wherefore, the plaintiff demands:

A. Judgment for the plaintiff to recover of the defendant treble the total amounts received by the defendant from persons as rent for the use and occupancy of the housing accommodations described in the complaint, which were in excess of the maximum rents established by the Act and regulations issued thereunder, and further that;

B. The defendant be ordered and directed to tender to all available persons named in the schedule attached hereto as are entitled thereto a refund of all amounts in excess of the maximum rents established by the Act and regulations issued thereunder which were received by the defendant, his agents, employees and attorneys from said persons as rent for the use and occupancy of the housing accommodations described in the complaint, since the date maximum rents were established therefor by said regulation, provided that refunds made by the defendant to such persons in compliance with the directions of the Court for rents received within one year prior to the bringing of this action, shall be deducted from the amount of the judgment prayed for in the preceding paragraph A.

C. A temporary restraining order, preliminary and final injunction requiring the defendant to file with the Administrator Registration Statements in the form prescribed by the Administrator correctly setting forth the maximum rents heretofore or hereafter established for all housing accommodations subject to said Rent Regulation for Housing heretofore or hereafter rented or offered for rent by said

defendant, particularly accommodations located at 2970 Francis Avenue, 2972 Francis Avenue, and the apartment situated on Francis Avenue in the rear of apartment number 2972, in the City of Los Angeles, County of Los Angeles, State of California.

AUSTIN CLAPP,

WADIEH S. SHIBLEY,

ABE I. LEVY,

By /s/ FRANK L. HIRST,

Attorneys for Plaintiff.

[Endorsed]: Filed April 18, 1947. [6]

[Title of District Court and Cause.]

ANSWER TO COMPLAINT FOR TREBLE
DAMAGES AND INJUNCTION

Comes now the defendant Pearl Rose and for her answer to complaint of the plaintiff admits, denies or alleges as follows, to wit:

I.

Denies generally and specifically allegation VII of plaintiff's complaint and each and every part thereof.

II.

The defendant alleges that she has not sufficient information and belief to enable her to answer allegation VIII of plaintiff's first cause of action, and placing her denial upon such want of information and belief, denies said allegation of said complaint.

And for Her Answer to the Plaintiff's Second Cause of Action, this defendant admits, denies or alleges as follows, to wit:

I.

Defendant denies allegations II, III, IV and V thereof, and [7] each and every part of said allegations of said second cause of action.

And for Her Answer to Plaintiff's Third Cause of Action, the defendant denies, admits or alleges as follows, to wit:

I.

Defendant denies generally and specifically allegation I of said third cause of action in the same manner and with the same force and to the same effect as her answers to the allegations re-alleged therein in the prior causes of action to which they refer, it being her purpose hereby to deny any issues that may be raised by said third cause of action.

Wherefore, the defendant prays that the plaintiff take nothing by reason of his alleged causes of action and that this defendant may go hence without day.

/s/ HIRAM T. KELLOGG,
Attorney for Defendant,
Pearl Rose.

[Affidavit of service by mail attached.]

[Endorsed]: Filed May 12, 1947. [8]

MEMORANDUM OF FACTS AND SUMMARY OF POINTS OF LAW

Statement of Facts

Plaintiff will prove the following schedule:

Unit	Tenant's Name	Period of Occupancy	Rent Collected	Maximum Legal Rent	Amount of Overcharges
2968	Charles L. Logan—Mar. 3, 1946.....			Bonus	\$100.00
2968	Charles L. Logan—Mar. 3, 1946 to Jan. 1, 1947.....		\$12.50 per wk. \$ 6.00 per mo. utilities	\$7.50 per wk.	\$215.00 60.00
2968	Charles L. Logan—Jan. 1, 1947, to Mar. 16, 1947.....		\$12.00 per wk. \$ 6.00 per mo. utilities	\$7.50 per wk.	\$ 45.00 12.00
2970	Bernard Appel—May 13, 1946, to Oct. 1, 1946.....		\$16.00 per wk.	\$27.50 per mo.	\$131.00
2970	J. R. Griffin—Aug. 20, 1946.....			Bonus	\$ 50.00
2970	J. R. Griffin—Aug. 20, 1946, to Oct. 2, 1946.....		\$ 9.00 per wk.	\$27.50 per mo.	\$ 23.00
2970	Albert J. Wunsly—Feb. 23, 1947, to date.....		\$30.00 per wk.	\$27.50 per mo.	\$645.00
	Billie J. Wunsly.....				
	John Doe 1.....				
	John Doe 2.....				
	Jane Roe.....				
	Richard Roe.....				
2972	Bernice Market—Feb. 23, 1947, to date.....		\$36.00 per wk.	\$27.50 per mo.	\$807.00
	Avonne Market.....				
	Inez Olander.....				
	Shirley Johnson.....				
	Jane Doe 1.....				
	Jane Doe 2.....				

Points of Law

The decisions of the Rent Director are not open to question in this action.

Yakus v. U. S. (1943)

321 U.S. 414, 427, 431;

88 L. Ed. 834, 850, 852.

Bowles v. Willingham (1943)

321 U. S. 503, 528;

88 L. Ed. 892, 910.

The filing of a protest or petition for a review of the decision of the Rent Director shall not be grounds for staying any proceedings brought under Section 205 of the Emergency Price Control Act. The stay for which the statute provides is authorized only after judgment and upon application made within five days after judgment.

Emergency Price Control Act of 1942, as Amended, 50 U.S.C.A. App. 924(e)(2).

Dated: September 3, 1947.

ABE I. LEVY,

STEPHEN D. MONAHAN,

FRANK L. HIRST,

By /s/ CASSEL JACOBS,

Attorneys for Plaintiff.

[Affidavit of service by mail attached.]

[Endorsed]: Filed Sept. 3, 1947. [11]

At a stated term, to wit: The September Term, A.D. 1947, of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles, on Tuesday, the 9th day of September, in the year of our Lord one thousand nine hundred and forty-seven.

Present: The Honorable Peirson M. Hall,
District Judge.

[Title of Cause.]

For trial; Stephen Monahan, Esq., present for plaintiff; H. T. Kellogg, Esq., present for defendant;

Attorney Monahan moves for substitution of party-plaintiff, substituting Frank R. Creedon, Housing Expediter, in place of and instead of Philip B. Fleming, which motion is ordered denied.

On motion of Attorney Kellogg, on grounds there is no party plaintiff, Court orders the case dismissed. [13]

[Title of District Court and Cause.]

NOTICE OF MOTION FOR SUBSTITUTION
OF PARTY PLAINTIFF

To: Pearl Rose, defendant, and Hiram T. Kellogg,
her attorney:

Please Take Notice that on December 15, 1947,
at 10:00 a.m., or as soon thereafter as counsel can

be heard, the undersigned will appear before His Honor, Judge Peirson M. Hall, in the Courtroom usually occupied by him, in the United States Post Office and Courthouse Building, 312 North Spring Street, Los Angeles, California, and then and there move the Court for an Order in conformity with the petition hereto attached.

Dated this 1st day of December, 1947.

ABE I. LEVY,
STEPHEN D. MONAHAN,
FRANK L. HIRST,
SHERMAN GRANCELL,

By /s/ STEPHEN D. MONAHAN,

Attorneys for Tighe E. Woods,
Acting Housing Expediter.

[Endorsed]: Filed Dec. 3, 1947. [14]

[Title of District Court and Cause.]

MOTION FOR SUBSTITUTION OF
PARTY PLAINTIFF

The petition of Tighe E. Woods respectfully shows:

1. Petitioner is the duly appointed, qualified and acting Acting Housing Expediter.
2. By virtue of Executive Order (12 F. R. 7265) issued by the President of the United States November 1, 1947, petition has been invested with all of the functions with respect to rent control heretofore exercised by Frank R. Creedon, Housing Expediter, and his prede-

cessors in office, with full power and authority to continue and maintain in his own name all civil proceedings heretofore instituted, maintained or defended by the said Housing Expediter.

3. There is substantial need for continuing and maintaining this action.

Wherefore, petitioner prays that as Acting Housing Expediter, Office of the Housing Expediter, he be substituted as plaintiff herein in the place and stead of Philip B. Fleming, Administrator, Office of Temporary Controls, Office of Price Administration.

Dated this 1st day of December, 1947.

TIGHE E. WOODS,

Acting Housing Expediter.

By ABE I. LEVY,

STEPHEN D. MONAHAN,

FRANK L. HIRST,

SHERMAN GRANCELL,

By /s/ STEPHEN D. MONAHAN,

Attorneys for Tighe E. Woods,

Acting Housing Expediter.

Points and Authorities

On Nov. 19, 1947, in *Gates vs. Creedon*, 5635 Circuit Court of Appeals for the 4th Circuit overruled the objection of appellant to the substitution of Tighe E. Woods, Acting Housing Expediter, as appellee, for Frank R. Creedon. In *Porter vs. Koike*, No. 11575 9th Circuit Court of Appeals, decided

Oct. 31, 1947 (but not yet reported), in a case involving price violation the Court held that the United States may be substituted for Porter since the latter was no more than nominal plaintiff.

[Affidavit of service by mail attached.] [16]

[Title of District Court and Cause.]

MOTION FOR ENTRY OF JUDGMENT

To: Pearl Rose, defendant, and Hiram T. Kellogg,
her attorney:

Please Take Notice that on the 15th day of December, 1947, at 10:00 a.m., or as soon thereafter as counsel can be heard, I shall appear before His Honor, Judge Peirson M. Hall, in the Courtroom usually occupied by him in the United States Post Office and Courthouse Building, 312 North Spring Street, Los Angeles, California, and move the Court to direct the entry of a judgment in the above-entitled cause.

Dated this 1st day of December, 1947.

ABE I. LEVY,
STEPHEN D. MONAHAN,
FRANK L. HIRST,
SHERMAN GRANCELL,

By /s/ STEPHEN D. MONAHAN,

Attorneys for Plaintiff. [18]

Points and Authorities

On September 9, 1947, when the above-entitled cause was called for trial the Court granted the defendant's motion to dismiss plaintiff's complaint. Thereafter a proposed judgment was prepared by defendant's attorney and served on plaintiff's attorney, and plaintiff's attorney filed his objections to said proposed judgment, together with an alternative form of judgment: It appears from the records that neither form of judgment has been entered, and plaintiff is unable to proceed with the proper disposition of the case.

[Affidavit of service by mail attached.]

[Endorsed]: Filed Dec. 2, 1947. [19]

[Title of District Court and Cause.]

OBJECTIONS TO PROPOSED JUDGMENT

Comes now Stephen D. Monahan, attorney for Philip B. Fleming, Administrator, plaintiff herein, and for Frank R. Creedon, Housing Expediter, and objects to the judgment as prepared by attorney for defendant for the following reasons:

1. That the real party in interest is the United States of America and it is not material in whose name it is maintained.

2. That there was no adjudication on the merits at the time the case was called for trial and

that therefore any judgment of dismissal should be without prejudice.

Fleming v. Mohawk Wrecking & Lumber Co.,
331 U.S. 111.

Porter v. Maule.

CCA 5, 160 F. 2d 1.

Dated: Los Angeles, California, this 24th day of
October, 1947.

ABE I. LEVY,
STEPHEN D. MONAHAN,
FRANK L. HIRST,
RICHARD G. SOLOF,

By /s/ STEPHEN D. MONAHAN.

Attorney for Philip B. Fleming, OPA Administrator,
and Frank R. Creedon, Housing Expediter. [21]

[Affidavit of service by mail attached.]

[Endorsed]: Filed Feb. 10, 1948. [22]

In the District Court of the United States, Southern
District of California, Central Division

No. 6827-PH

PHILIP B. FLEMING, Administrator, Office of
Temporary Controls, Office of Price Adminis-
tration,

Plaintiff,

vs.

PEARL ROSE, DOE I and DOE II,
Defendants.

JUDGMENT OF DISMISSAL

The above-entitled matter having come on for trial on Tuesday, September 9th, 1947, pursuant to a setting theretofore made regularly by the above-entitled court, and the plaintiff and the defendant appearing by their attorneys, Stephen D. Monahan, Esq., appearing for Philip B. Fleming, Administrator, Office of Temporary Controls, Office of Price Administration, and Hiram T. Kellogg, Esq., appearing in behalf of Pearl Rose, and the attorney for plaintiff having advised the court that the plaintiff was ready for trial and the court having thereupon called to the attention of the said attorneys to the fact that Philip B. Fleming was no longer Administrator of the Office of Temporary Controls, Office of Price Administration, and motion having been made then orally by Stephen D. Monahan to substitute Frank Creedon, Housing Expediter, as plaintiff in the place and stead of Philip B. Fleming, and [23]

It appearing to the court from the files and records in the above-entitled action that no Notice of Motion for substitution of parties plaintiff had ever been served upon the defendant, and

It appearing that Philip B. Fleming had not been Administrator of the Office of Temporary Controls, Office of Price Administration for more than five months prior to the date of trial, and

It appearing that the plaintiff had not complied with the rules of court with reference to the Notice and the preparation of Motion required, said Motion being objected to by the defendant by and through her attorney, Hiram T. Kellogg, the motion of the plaintiff was thereupon denied.

A motion being thereupon addressed to the court by the defendant moving the dismissal of the action upon the ground that the plaintiff Philip P. Fleming was no longer the real party in interest; that he was no longer Administrator of the Office of Temporary Controls, Office of Price Administration, and that he no longer had power and authority to maintain said action, the motion of dismissal of said defendant was thereupon granted.

That pursuant to the granting of said motion a motion for judgment of dismissal made by said defendant in open court on September 9, 1947.

It Is Ordered and Adjudged that the defendant is entitled to a judgment of dismissal in the above-entitled action.

Let Judgment be entered accordingly.

/s/ PEIRSON M. HALL,

Judge.

Dated: Feb. 10, 1948.

Approved as to form.

Received a copy of the above and foregoing Judgment Oct. 20th, 1947.

/s/ STEPHEN D. MONAHAN,
Attorney for Plaintiff. [24]

[Title of District Court and Cause.]

ORDER SUBSTITUTING PARTY
PLAINTIFF

On motion of Stephen D. Monahan, attorney for plaintiff, it is Ordered that Tighe E. Woods, as Housing Expediter, Office of the Housing Expediter, be and he is hereby substituted as party plaintiff in the place and stead of Philip B. Fleming, Administrator, Office of Temporary Controls, Office of Price Administration.

Dated this 16th day of March, 1948.

/s/ PEIRSON M. HALL,
Judge.

[Endorsed]: Filed March 17, 1948. [25]

In the District Court of the United States, Southern
District of California, Central Division

No. 6827-PH

TIGHE E. WOODS, Housing Expediter, Office
of the Housing Expediter,

Plaintiff,

vs.

PEARL ROSE, DOE I and DOE II,

Defendants.

NOTICE OF APPEAL

Notice Is Hereby Given that Tighe E. Woods,
Housing Expediter, Office of the Housing Expediter,
plaintiff above named, hereby appeals to the
United States Circuit Court of Appeals for the
Ninth Circuit from the entire final judgment entered
in this action on the 10th day of February,
1948.

Dated this 1st day of April, 1948.

ABE I. LEVY,

STEPHEN D. MONAHAN,

By /s/ STEPHEN D. MONAHAN,

Attorneys for Plaintiff.

[Affidavit of service by mail attached.]

[Endorsed]: Filed April 5, 1948. [26]

[Title of District Court and Cause.]

STATEMENT OF POINTS

The following are the points upon which appellant intends to rely upon the appeal:

1. The Court erred in dismissing the above-entitled action.

2. The Court erred in denying appellant's oral motion to substitute Frank R. Creedon, Housing Expediter, Office of the Housing Expediter, as plaintiff in the place and stead of Philip B. Fleming, Administrator, Office of Temporary Controls, Office of Price Administration.

/s/ ABE I. LEVY,

/s/ STEPHEN D. MONAHAN,

Office of the Housing Expediter, 1206 Santee Street,
Los Angeles 15, California, Attorneys for Appellant. [28]

Service of the foregoing statement of points is acknowledged this 28th day of April, 1948.

/s/ HIRAM T. KELLOGG,

Attorney for Defendant-
Appellee.

[Endorsed]: Filed April 28, 1948. [29]

[Title of District Court and Cause.]

APPELLANT'S DESIGNATION OF RECORD
ON APPEAL

Appellant, Tighe E. Woods, as Housing Expediter, Office of the Housing Expediter, hereby designates the following portions of the Record to be included in the Record on Appeal:

1. The Complaint, filed April 18, 1947.
2. The Answer of the defendant Pearl Rose, filed May 12, 1947.
3. Trial statement—Memorandum of facts and summary of points of law, filed September 3, 1947.
4. Order denying oral motion of plaintiff to substitute Frank R. Creedon, Housing Expediter, for Philip B. Fleming, Administrator Office of Temporary Controls, Office of Price Administration, as party plaintiff, entered September 9, 1947, in open court.
5. Order for judgment of dismissal of action entered September 9, 1947, [30] in open court.
6. Notice of motion and motion of plaintiff to substitute Tighe E. Woods, Acting Housing Expediter, Office of the Housing Expediter, for Philip B. Fleming, Administrator, Office of Temporary Controls, as party plaintiff, filed December 2, 1947, together with proof of service.
7. Notice of motion and motion to direct the entry of a judgment, filed December 2, 1947.

8. Objections to defendant's proposed judgment of dismissal, filed February 10, 1948.
9. Judgment of dismissal of action, filed February 10, 1948.
10. Order substituting Tighe E. Woods, Housing Expediter, Office of the Housing Expediter, as party plaintiff, filed March 17, 1948.
11. Notice of appeal, filed April 5, 1948.
12. Statement of points upon which appellant intends to rely on appeal.
13. This designation.

Dated April 28, 1948.

/s/ ABE I. LEVY,

/s/ STEPHEN D. MONAHAN,

Office of the Housing Expediter, 1206 Santee Street,
Los Angeles 15, California, Attorneys for
Appellant.

Service of the foregoing appellant's designation of record on appeal is acknowledged this 28th day of April, 1948.

/s/ HIRAM T. KELLOGG,

Attorney for Defendant-
Appellee.

[Endorsed]: Filed April 28, 1948. [31]

[Title of District Court and Cause.]

CERTIFICATE OF CLERK

I, Edmund L. Smith, Clerk of the District Court of the United States for the Southern District of California, do hereby certify that the foregoing pages numbered from 1 to 31, inclusive, contain full, true and correct copies of Complaint for Treble Damages and Injunction; Answer to Complaint for Treble Damages and Injunction; Memorandum of Facts and Summary of Points of Law; Minute Order Entered September 9, 1947; Notice of and Motion for Substitution of Party Plaintiff; Motion for Entry of Judgment; Objections to Proposed Judgment; Judgment of Dismissal; Order Substituting Party Plaintiff; Notice of Appeal; Statement of Points on Appeal and Designation of Record on Appeal which constitute the record on appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

Witness my hand and the seal of said District Court this 10th day of May, A.D. 1948.

[Seal] EDMUND L. SMITH,
Clerk.

By /s/ THEODORE HOCKE,
Chief Deputy Clerk.

[Endorsed]: No. 11928. United States Circuit Court of Appeals for the Ninth Circuit. Tighe E. Woods, Housing Expediter, Office of the Housing Expediter, Appellant, vs. Pearl Rose, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Southern District of California, Central Division.

Filed May 11, 1948.

/s/ PAUL P. O'BRIEN,
Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.